

State of California
AIR RESOURCES BOARD

Executive Order 98-035

WHEREAS, on July 24, 1997, the Air Resources Board (the "Board" or ARB) conducted a hearing to consider regulatory amendments to the California Consumer Products Regulation;

WHEREAS, following the public hearing on July 24, 1997, the Board adopted Resolution 97-37, in which the Board approved the regulatory amendments set forth in Attachment A to the Resolution, with the modifications identified in Attachment B to the Resolution;

WHEREAS, Attachment A to Resolution 97-37 contains amendments to sections 94508, 94509, and 94513, title 17, California Code of Regulations (CCR), as originally proposed by staff;

WHEREAS, Attachment B to Resolution 97-37 contains staff's suggested changes to the original proposal;

WHEREAS, Resolution 97-37 directed the Executive Officer to adopt the amendments set forth in Attachment A, with the modifications set forth in Attachment B and such other conforming modifications as may be appropriate, after making the modified regulatory language available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted after review of the comments;

WHEREAS, the approved modifications to the originally proposed text were made available for a public comment period of 15 days, with the modifications to the originally proposed text clearly indicated, in accordance with the provisions of title 1, CCR, section 44;

WHEREAS, one written comment was received during the 15-day public comment period; this comment has been considered by the Executive Officer, and the Executive Officer has determined that reconsideration by the Board or modification of the approved regulations is not appropriate;

WHEREAS, Attachment 1 hereto contains the text of the amendments to sections 94508, 94509, 94510, 94512, 94513, and 94514, title 17, CCR, with the modifications made available for the 15-day comment period incorporated;

WHEREAS, the Executive Officer finds that:

The regulatory amendments significantly reduce human health, safety, or environmental risks.

The incremental cost-effectiveness of the regulatory amendments was considered, and the amendments as adopted are cost-effective.

No alternative considered by the ARB would be more effective in carrying out the purpose for which the regulatory amendments are proposed or would be as effective and less burdensome to affected private persons than the adopted amendments.

The benefits to human health, public safety, public welfare, or the environment justify the costs of the regulatory amendments.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 97-37 are incorporated by reference herein.

IT IS FURTHER ORDERED, in accordance with Resolution 97-37 and Health and Safety Code sections 39515 and 39516, that the amendments to sections 94508, 94509, 94510, 94512, 94513, and 94514, title 17, CCR, are hereby adopted as set forth in Attachment 1 hereto.

Executed this _____ day of _____, 1998, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachment